

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the defendant's Motion to Withdraw Motions [Doc. 37], filed on November 14, 2005. The Court appointed [Doc. 27] new defense counsel for the defendant on October 26, 2005. At that time, new counsel was given time to determine whether to file any pretrial motions on behalf of the defendant and whether he would pursue the motions filed by the defendant's former attorney. The present motion asks to withdraw the following motions filed by the defendant's former attorney because current counsel believes the issues raised therein are adequately addressed by the Court's Order on Discovery and Scheduling.

- (1) Motion for on the Record Findings Pursuant to Rules 403 and 404 [Doc. 11];
 - (2) Defendant's Motion for Pretrial Notice of FRE Rule 608 Evidence of Character of Conduct the Government Intends to Offer or FRE Impeachment Evidence [Doc. 12];
 - (3) Defendant's Motion for Disclosure of Jury Instructions and

Rulings on Requests [Doc. 13];

- (4) Motion for Notice by the Government Pursuant to Rule 12(d)(2) of its Intention to Use Evidence Arguably Subject to Suppression [Doc. 14];
- (5) Motion for 30-Day Pretrial Notice of Government's Intention to Use 404(b)-Type Evidence [Doc. 15];
- (6) Motion for Pretrial Production of Statements of Individuals Not to Be Called as Witnesses [Doc. 17];
- (7) Motion for the Automatic and/or Early Production of Jencks/Rule 26.2 Statements [Doc. 18];
- (8) Motion for Pretrial Written Notice of Government's Intent to Introduce Tape Recordings or Transcripts; and for Pretrial Hearing Concerning Admissibility of Tape Recordings and Transcripts [Doc. 20];
- (9) Motion for Notice of Government's Intention to Use Residual Hearsay Exceptions Pursuant to Rule 807 [Doc. 21];
- (10) Motion for Government's Agents, Officers and Attorneys to Retain Rough Notes [Doc. 22]; and
- (11) Motion to Suppress for Notice of Government's Intention to Use Residual Hearsay Exceptions Pursuant to Rule 807 [Doc. 23].

The defendant's request to withdraw these motions [**Doc. 37**] is **GRANTED**. Accordingly, the above listed motions [**Docs. 11, 12, 13, 14, 15, 17, 18, 20, 21, 22, and 23**] are **DENIED as moot**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge